

REMARKS/ARGUMENTS

Claim Status

Claims 3, 4, 6-12 and 14-49 are pending. Claims 3, 4, 6-12 and 14-17 are currently amended. Claims 1, 2 and 5 are currently canceled without prejudice and claim 13 was previously canceled without prejudice. Claims 3, 4, 6, 7 and 8 are rewritten to be in independent form. Claims 9-12 and 14-17 are amended to be dependent from newly independent claim 3 (rather than canceled claim 1). Claims 18-49 are added and parallel dependent claims 9-12 and 14-17 (i.e., new claims 18-25 depend from newly independent claim 4 and exactly parallel claims 9-12 and 14-17; new claims 26-33 depend from newly independent claim 6 and exactly parallel claims 9-12 and 14-17; new claims 34-41 depend from newly independent claim 7 and exactly parallel claims 9-12 and 14-17; and new claims 42-49 depend from newly independent claim 8 and exactly parallel claims 9-12 and 14-17). No new matter is believed to have been entered.

§112 Rejection

Claims 1-12 and 14-17 are rejected under 35 U.S.C. §112, 1st paragraph, for failing to comply with the written description requirement because the Office asserts that “the heterocyclic compound represented by the formula (I) is not indolizine” of claim 1 is not supported by the original disclosure.

Applicants note that claim 1 and claims drawn toward formula (I) have been canceled. As such, the objected to phrase (i.e., “the heterocyclic compound represented by the formula (I) is not indolizine”) is no longer present in the pending claims. Accordingly, Applicants submit that this rejection has been obviated by the amendments presented herein. Thus, Applicants request withdrawal of this rejection.

§103(a) Rejections

Claims 1, 5, 9-12 and 14-17 are rejected under 35 U.S.C. §103(a) as obvious in view of the combination of *Hanna* (US 6,224,787) and *Klauk* (Solid-State Electronics, Vol. 47, pgs. 297-301).

At the outset Applicants note that claims 2-4 and 6-8 are not encompassed by this rejection. As such, Applicants' representative confirmed with Examiner Such, via telephone, that these claims (i.e., claims 2-4 and 6-8) would be allowable if the §112 rejection were overcome.

As explained above: the §112 rejection is believed to have been overcome; claims 3, 4, 6, 7 and 8 are rewritten in independent form; claims 1, 2 and 5 are canceled; dependent claims 9-12 and 14-17 are amended to depend from claim 3; and new claims 18-49 parallel previous claims 9-12 and 14-17 and depend from claims 4, 6, 7 and 8.

Accordingly, all pending claims are drawn toward the subject matter not encompassed by the above-mentioned obviousness rejection. As such, these claims (i.e., 3, 4, 6-12 and 14-49) are presumed allowable.

Conclusion

For the reasons discussed above, Applicants submit that all now-pending claims are in condition for allowance. Applicants respectfully request the withdrawal of the rejections and passage of this case to issue.

Respectfully submitted,

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